

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA**  
**Plaintiff**

**v.**

**Case Number 4:01CR30**

**USM Number: 02560-095**

**JAMES CHARLTON DAVIS**  
**Defendant**

**David M. O'Neill**

**Defendant's Attorney**

---

**JUDGMENT IN A CRIMINAL CASE**  
**(For Revocation of Probation or Supervised Release)**  
**(For Offenses Committed On or After November 1, 1987)**

**THE DEFENDANT** admitted guilt to violation of standard conditions 1, 2, 3, and 6 of the term of supervision.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following violation(s):

<u><b>Violation Number</b></u>	<u><b>Nature of Violation</b></u>	<u><b>Date Violation Concluded</b></u>
1 (Standard Condition #1)	The defendant shall not leave the judicial district without the permission fo the Court or the probation officer.	October 6, 2005
2 (Standard Condition #2)	The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of the month.	April, 2006
3 (Standard Condition #3)	The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.	April 21, 2006
4 (Standard Condition #6)	The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.	Mid February 2006

Original Offense: False statements to a federally insured bank in violation of 18 USC 1014.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Following the imposition of sentence, the Court advised the defendant of the right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
June 28, 2007

*s/ Richard G. Kopf*  
United States District Judge

June 29, 2007

Defendant: JAMES CHARLTON DAVIS  
Case Number: 4:01CR30

Page 3 of 5

### IMPRISONMENT

It is ordered that the defendant's supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **twelve (12) months with no supervised release to follow**.

The Court makes the following recommendations to the Bureau of Prisons:

1. The Court recommends that the defendant be incarcerated as close as possible to Buttner, North Carolina.
2. That the defendant receive credit for time served in official custody commencing April 12, 2007.

The defendant is remanded to the custody of the United States Marshal.

### ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

### RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt , above.**

### CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

Defendant: JAMES CHARLTON DAVIS  
Case Number: 4:01CR30

Page 4 of 5

## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
\$		<b>\$126,649.45 (A balance of \$126,199.45 remains)</b>

### FINE

No fine imposed.

### RESTITUTION

Restitution in the amount of **\$126,649.45** is hereby ordered. The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>
Guaranty Bank	\$1,931.95	\$1,931.95
Hancock Bank	\$4,753.87	\$4,753.87
Premier Bank	\$9,963.63	\$9,963.63
James H. Jenkins, III	\$110,000.00	\$110,000.00
<b>Totals</b>	<b>\$126,649.45</b>	<b>\$126,649.45</b>

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

Defendant: JAMES CHARLTON DAVIS  
Case Number: 4:01CR30

Page 5 of 5

## **SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay; payment of the total criminal monetary penalties shall be due as follows:

The sum of \$126,649.45 shall be paid to the Clerk of the U. S. District Court, 111 S. 18<sup>th</sup> Plaza, Suite 1152, Omaha, Nebraska, 68101. (A balance of \$126,199.45 remains.) This shall be paid in installments of 25% of his prison earnings towards his outstanding restitution, while incarcerated. Upon release from incarceration, restitution payments will be minimum monthly installments of \$150.00 or 5% of his gross monthly income, whichever is greater. The first payment commencing thirty (30) days "following the defendant's discharge from incarceration", until the restitution is paid in full.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

---

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_

DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk